

*J. La Hamilton Junr*

# CHARTER

UNDER THE GREAT SEAL,

In Favours of the COLLEGE and CORPORATION  
of SURGEONS of the City of Edinburgh,

Incorporating them, of new, under the NAME and TITLE

OF THE

ROYAL COLLEGE of SURGEONS

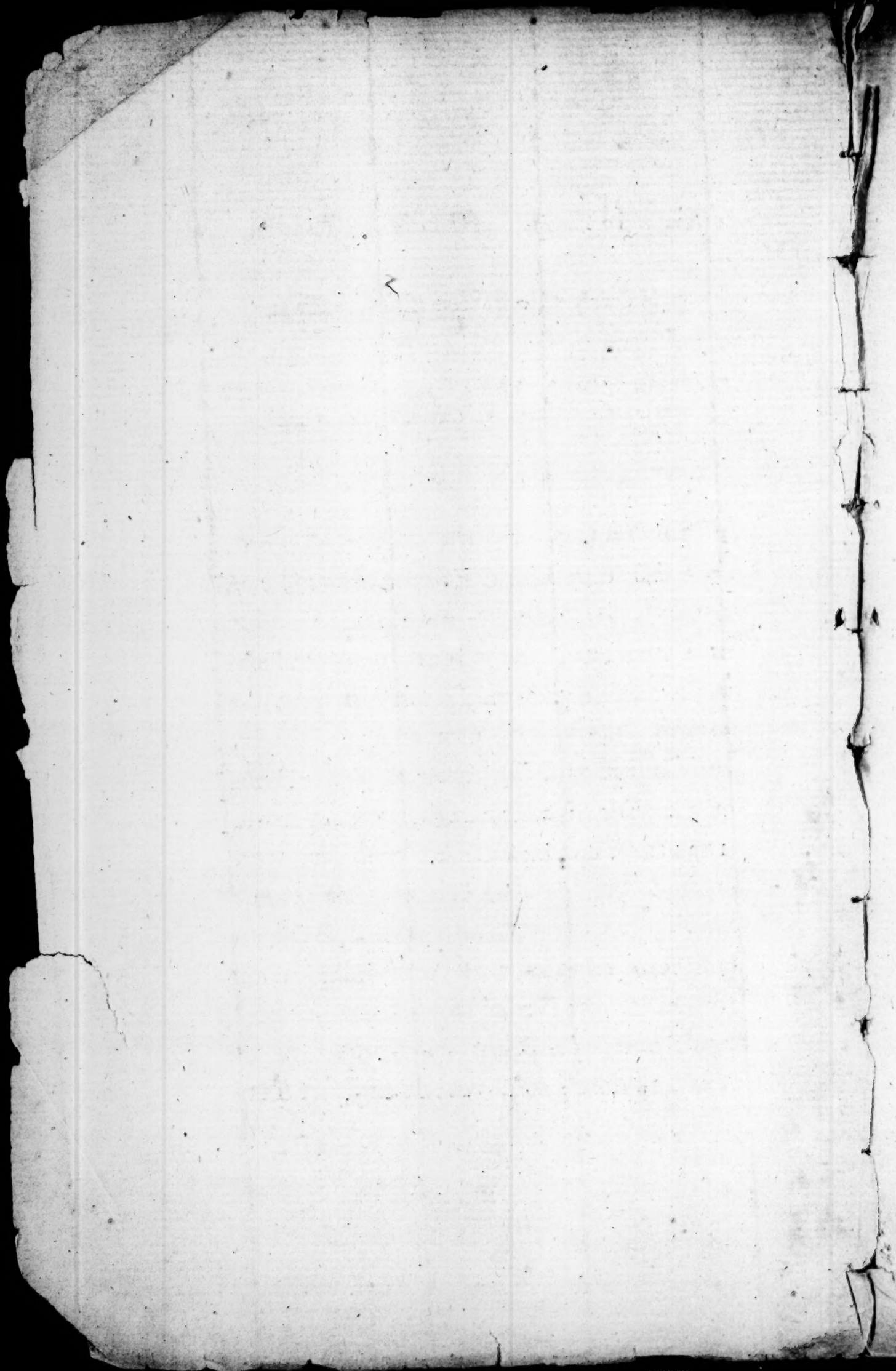
*Of the City of Edinburgh,*

And authorizing them to carry into execution a  
SCHEME for making a PROVISION for the Wi-  
dows and Children of the MEMBERS of the COR-  
PORATION, and their Clerk.

EDINBURGH:

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# C H A R T E R

## UNDER THE GREAT SEAL,

In Favours of the COLLEGE and CORPORATION  
of SURGEONS of the City of Edinburgh, &c.

**G**EORGE, by the Grace of God,  
King of Great Britain, France and  
Ireland, Defender of the Faith, To ALL  
and SUNDRY, to whom these Presents  
shall come, greeting, FORASMUCHAS a  
Petition hath been presented to Us by Petition to His  
Majesty.  
the College and Corporation of Surgeons  
of the City of Edinburgh, Setting forth,  
That the Surgeons of the said City were  
created, erected and incorporated into a  
Society or College, and various privileges  
conferred on them by several Grants made  
by Our Royal Predecessors Kings of Scot-  
land, and by Acts of the Parliament of  
that kingdom; and particularly, by Let-  
ters



ters Patent of their Majesties King William and Queen Mary, bearing date the 28th day of February 1694, confirming all the former Grants: And these Letters Patent were ratified in Parliament the 17th day of July 1695: That the Petitioners humbly hoped they had been no less deserving of Royal patronage than their Predecessors; and their numerous Pupils serving with reputation in Our army and navy, might be mentioned as evidence of the attention bestowed by the present members of the said College to improve the art of Surgery: That they might maintain an equality with similar institutions in several neighbouring kingdoms, they were solicitous that We might be graciously pleased to confer upon them the Title of ROYAL COLLEGE of SURGEONS. As ALSO, setting forth, That under the authority of the aforesaid Grants and Acts of the Legislature, the College had been in use of levying certain sums from the Members, and certain



tain fees from Intrants, whereby a Capital has been raised, the interest and income of which is applied towards the relief of their indigent members, their widows and children: That finding their present funds inadequate to afford sufficient relief to their poor, and being convinced of the utility of raising a fund for a provision for the widows and children of the members of the Corporation and of their clerk, they had formed a scheme for that purpose, which, after being deliberately considered, was unanimously approved of in a general meeting of the Corporation, held upon the 11th day of July 1777: And praying, That in addition to the Letters Patent and Acts of Parliament already granted and made in favour of the said Corporation and College of Surgeons of the City of Edinburgh, We would be graciously pleased to grant our Royal Letters Patent under the Seal appointed by the Treaty of Union to be kept in Scotland, in place of  
of

of the Great Seal formerly used there, conferring upon them the Title of ROYAL COLLEGE of SURGEONS; and authorising them to carry into execution the said laudable scheme in manner proposed in a Memorial annexed to the said Petition: AND We being satisfied that the design of the Petitioners is laudable, and that they are deserving of encouragement, DO THEREFORE ORDAIN a Patent or Charter to be passed, and expède under the above mentioned Seal, of new, constituting, erecting, and incorporating, as We, by our prerogative-royal, and special grace, and for Us, and our Royal Successors, hereby, of new, Constitute, Erect, and Incorporate the Petitioners; and the persons who shall hereafter be legally admitted Members of the said Corporation and College, into one body politic and corporate, or legal Incorporation and Society, under the Title and Name of The ROYAL COLLEGE of SURGEONS of the City of Edinburgh: And  
as

The Corpora-  
tion erected in-  
to a Royal Col-  
lege.

as such, and by such Name, to have a perpetual endurance and succession to and for the ends and purposes mentioned in the Royal Charters heretofore granted in their favour, and herein after mentioned; and to be able and capable to sue, plead, defend and answer, and to be sued, impleaded, defended and answered, in all or any of our Courts of Judicature: AND for effecting the said charitable Scheme of raising a Fund for a provision for the widows and children of the Members of the said Corporation, and their clerk, ORDAINING, as We for Us and Our Royal Successors hereby Ordain, That the persons who were Members of the said Corporation and College at the feast or term of Lammas 1777, and whose accession and desire to become Contributors to the Scheme for raising the said Fund, is declared by writing under their hands before the term of Candlemas in the year 1778, shall make payment to a Collector, to be named in manner after mentioned, of the sum of

L. 5 Sterling



Annual-Rate  
payable by Con-  
tributors to the  
Scheme.

Such Members  
as have not ac-  
ceded to the  
Scheme before  
Candlemas  
1778, excluded  
from the bene-  
fit thereof.

Members ad-  
mitted after  
Lammas 1777,  
held to accede  
to the Scheme.

L. 5 Sterling each, with legal interest from the said term of Lammas 1777; and shall also make payment as at the said term of Candlemas 1778, and at each succeeding term of Candlemas during their respective lives, of the like sum of L. 5 Sterling, with a fifth part more of penalty in case of failure, and the legal interest of the said respective sums from the aforesaid terms of payment during the not payment: And that the persons who were Members of the said Corporation at the said term of Lammas 1777, and whose accession to the scheme is not declared by writing under their hands before the said term of Candlemas 1778, shall be excluded from the benefit thereof forever: As ALSO, Ordaining, as We Ordain, That all persons who have been admitted Members of the said Corporation since the said term of Lammas 1777, or who shall be admitted hereafter, shall, in consequence of their admission, be held to accede to the scheme, and

and shall make payment of the sum of L.5 Sterling at the first term of Candlemas after their respective admissions, and the like sum at each succeeding term of Candlemas during their respective lives, with penalty and interest as aforesaid; and in order, more effectually, to secure payment of the respective sums or rates due by the Contributors, they shall sign and deliver such deed or deeds for that end, as shall hereafter be judged valid and necessary by the Corporation: AND WHEREAS, by the said scheme devised and agreed to by the said Corporation, It was appointed, That over and above the sums to be annually paid by Contributors as aforesaid, there shall be paid at the said term of Lammas 1777, by the Treasurer of the Corporation to the Collector of the Scheme for the benefit thereof, the sum of L.25 Sterling out of the funds of the Corporation, and the like sum of L.25 Sterling at Candlemas 1778, and at each succeeding term of Candle-

The Contributors to sign a deed for the regular payment of their annual rates.

L. 25 to be paid annually out of the Funds of the Corporation;

And such additional sum as their Funds can afford.

mas in all time coming: Therefore We approve of the payments already made, and authorise decreets, and appoint the said annual payments out of the Corporation-funds to be made in future agreeable to the preceding article: And that in case at any time hereafter, it shall appear to the Members of the Corporation at a General Meeting, to which they shall be regularly summoned by a billet left at their respective houses, at least two days previous to the meeting, That the funds of the Corporation are more than sufficient in any one year to maintain their poor, to defray their other necessary expences, and to pay the aforesaid sum of L. 25 Sterling; they shall appoint the Treasurer to pay the Collector of the Scheme such additional sum for that year as they shall judge proper, it being always understood, and expressly provided, That no order shall be issued for such additional payment unless three-fourths of the Members are present. And Ordain-  
ing



ing and Allowing, as We Ordain and Allow, That the present Clerk of the Corporation shall have it in his option to become a Contributor to the Scheme, and to be entitled to the benefit thereof, upon the same terms with the Members of the Corporation who were admitted before the term of Lammas 1777: But declaring always, That no future Clerk shall be intitled to that privilege, except with the approbation and special allowance of three-fourths of the Members of the Corporation who are Contributors to the Scheme, signified at a General Meeting, and within one year after his admission. And Ordaining, as We Ordain, That the Contributors who were Members of the Corporation at the term of Lammas 1777, (herein after called original Contributors,) and who shall survive the term of Candlemas 1780, and leave widows, and the Contributors who have been or shall be admitted Members of the Corporation after the said term of Lammas

The present Clerk allowed to become a Contributor.

No future Clerk to have that privilege, unless with the approbation of three-fourths of the Contributors.

Annuity payable to Widows,

mas 1777, (herein after called future Contributors,) and who shall survive the term of Candlemas, at which their fourth year's rate has become due, and leave widows, such widows shall be intitled to annuities, as follows, *viz.* to L. 12: 10s. Sterling, as an half year's annuity at the term of Whitsunday immediately following the year in which their respective husbands died, and computed from the 1st of January to the 31st of December; and L. 25 Sterling as a full year's annuity at each term of Whitsunday thereafter during life and their continuing unmarried; but in case of their death or marriage, the said annuity shall immediately cease, and shall not be due for any term happening after either of these events.

That the original and future Contributors, who shall survive the respective terms above mentioned, and shall die widowers, leaving a child or children under sixteen years of age, such child or children shall at the term of Whitsunday immediately

to cease upon  
their death or  
marriage.

Provision to  
Children under  
16 years of age.

immediately following the year in which their respective fathers died, computing said year from the 1st of January to the 31st of December, be intitled to receive L. 100 Sterling, which sum shall be equally divided amongst them, if there be more than one child. It being always understood, and expressly provided, that if any of the original Contributors shall happen to die before the term of Candlemas 1780, or any of the future Contributors before the term of Candlemas, at which their fourth year's rate would have been due, neither their widows or children shall be intitled to any benefit from the scheme, but shall be entirely excluded therefrom. And further, Ordaining, Directing and Appointing, as We Ordain, Direct and Appoint, That if any person who has been or shall be admitted a Member of the Corporation after Lammas 1777, shall at the time of his admission be forty years of age, or upwards, and shall happen to die leaving a widow,

or

The Widows and Children of Contributors who shall die before their 4th year's rates become due, not to be intitled to any benefit from the Scheme.

If any Member admitted after Lammas 1777, shall be 40 years of age or upwards, and shall die before he has paid 12 years rates, there shall be retained out of his Widow's annuity, or Childrens provision, a sum equal to the deficiency.



or leaving a child or children under sixteen years of age, but no widow, before he has paid or been liable to pay twelve years rates. In that case there shall be retained out of the annuity due to his widow, or out of the provision due to his child or children, such sum as, together with the sums paid by him without computing interest thereon, shall amount to twelve years rates, *viz.* L. 60 Sterling, and Declaring and Ordaining, as We Declare and Ordain, That if any Contributor to the scheme, shall allow his annual-rate to run on unpaid for six years, his widow or child, or children, shall forfeit the respective annuities and provisions to which they would have been intitled after his decease. AND further Declaring, as We Declare, That such Contributors shall nevertheless be obliged to pay the foresaid annual-rates in arrear, and shall also continue liable in payment of his annual-rates during life; because if such forfeiture should exempt either from payment of

If any contributor allows his annual-rate to run on unpaid for six years, his widow or children shall forfeit their annuities and provisions;

and he shall continue liable in payment of his annual-rate during life.

of the annual-rates in arrear, or the rates that may thereafter fall due, some contributors might voluntarily incur the forfeiture, whereby the scheme would be deprived in so far of its proper support, the *data* on which the calculation is instituted, supposing the annual-rate of every Contributor to be paid by him during life, though he might have no prospect of bringing any burden upon the fund : But that in order to prevent any disagreeable consequences that might follow the forfeiture aforesaid, that in case it shall appear to the Contributors at a general meeting, where at least three-fourths of them are present, that the failure in payment of any Contributor was occasioned, not with a view to injure the fund, but from the decay of business or other misfortunes, it shall be competent for such meeting, to allow, in case he died a widower, his child or children to draw their respective provisions, after deducting therefrom, a sum equal to his  
arrears

Proviso.

arrears and interest; and in case he left a widow, to enter her on the roll of annuitants, so soon as the annuity that would have fallen due to her, had there been no forfeiture or arrears, shall amount to a sum equal to these arrears and interest, calculated in a progressive accompt. And

Application of  
the money.

Declaring, Appointing and Ordaining, as We Declare, Appoint and Ordain, That the whole annual-rates payable by the Contributors, and sums payable out of the Corporation's stock, before the term of Whitsunday 1781, shall be applied by the trustees (after payment of the expence of management) towards raising a capital stock of L. 4,500 Sterling. And as the being and existence of the scheme, depends upon the rise of the foresaid capital, the annual produce of the fund at the said term of Whitsunday 1781, and at each term of Whitsunday thereafter,

For defraying  
the expence of  
management.

shall be applied as follows, *viz.* 1<sup>st</sup>, For defraying the expence of management; 2<sup>dly</sup>, By lending out for raising the capital,



tal, the following fums in each year, viz.

Sums to be applied for raising the capital of L. 4,500.

At the term of Whitfunday 1782, 1783,

1784 and 1785, L. 150 0 0

At Whitfunday 1786, 1787,

1788, 1789 and 1790, 100 0 0

At Whitfunday 1791, 1792,

1793, 1794, 1795, 1796,

1797, 1798, 1799, and

1800, - - 50 0 0

And at each Whitfunday

thereafter, till the said ca-

pital of L. 4,500 is com-

pleted, - 30 0 0

And 3dly, For payment of the annuities

Payment of annuities to widows, and provisions to children.

due to the widows of the Contributors,

and the provisions due to their children ;

and if the annual produce aforefaid in

any one year fhall exceed the charges of

management, the fum fo ordered to be

Any annual surplus to be applied for raising the capital.

applied for raising the capital, and the

annuities and provisions due to the child-

ren for that year, and the arrears of any

annuities and provisions of former years,

after-mentioned, if any fuch were, fuch

C

excess

Directions in  
case the annual  
produce is not  
sufficient for de-  
fraying the an-  
nual burdens.

excess or surplus, shall be lent out together with the foresaid sums, for the purpose of raising the capital. And on the other hand, if in any one year the annual produce shall not be sufficient for defraying the annual burdens as aforesaid, yet no incroachment shall on that account be made upon the capital so far as then raised, nor shall the further raising thereof, in manner above directed, be thereby stopped or retarded; but such deficiency or short-coming, shall first affect the childrens provisions proportionally, and then the annuities of all the widows proportionally, without regard to the order of time in which those provisions became due, and the same shall again be made good to them, out of the surplus of the annual produce, for the succeeding year or years in this order, *viz.* 1<sup>st</sup>, After payment of the expence of management, and of the sum to be applied for raising the stock or capital as aforesaid, the widows annuities unpaid in the preceding

preceding year, shall be made good. *2dly*, The widows annuities of the current year. *3dly*, The childrens provisions of the former year or years, according to the order of time in which they became due. And *lastly*, The childrens provisions for the current year, provided always, that when the said capital is raised, if, in any one year, the annual produce shall be more than sufficient for payment of all the burdens of that year, and arrears of former years, the surplus shall be applied by the Contributors at a general meeting, to which they shall be regularly summoned by a billet left at their respective dwelling-houses, two days previous to the meeting; and where at least three-fourths of them are present, either towards the further raising of the capital, or shall be divided amongst the widows then on the fund, as shall appear most adviseable to a majority of the meeting. And if the aforesaid capital of L. 4,500, when made up in whole or in part, shall happen

to

When the Capital is raised, future surpluses shall be applied towards further raising the Capital, or divided amongst the Widows on the Fund.

If the Capital is diminished, it shall be made up.



Annuities and  
Provisions not  
arrestable.

to be diminished, either by the insolvency of the debtors, or by any other accident whatsoever, such diminution shall, from time to time, be made up by after surpluses, to be lent out as aforesaid. And Declaring and Ordaining, as We Declare and Ordain, That the annuities payable to the widows, and the provisions payable to the child or children of the Contributors as aforesaid, shall not be liable to be arrested, or otherways affected or attached by their creditors ; but shall, notwithstanding such arrestment or attachment, be paid to the widows themselves or their order, or to the tutors and curators of the said child or children, or to their heirs, executors or assignees ; and if the child or children have no tutors or curators, then, and in that case, the provision to which they are intitled, shall be paid to such person or persons as shall be named for receiving the same by the Trustees for the management of the fund, to be applied for the use and behoof of the said child

child or children respectively. AND further Declaring, Ordaining and Appointing, as We Declare, Ordain and Appoint, That the Trustees for managing the scheme shall consist of six Contributors, whereof three to be a Quorum; and they shall have power to elect a Præses at every meeting, who, in case of an equality of votes in any question, shall have the casting vote as Præses, besides his vote as a Trustee: That they shall have two stated meetings in each year; the first to be held on the second Tuesday of March, for making up a list of the widows and children intitled to annuities and provisions at Whitsunday thereafter, which list shall lie open to the inspection of all parties interested, in the Clerk's hands; and the said parties may give in their objections in writing, if they have any, to be by him laid before the Trustees, for their determination at the second stated meeting, which shall be held on the second Monday of May yearly: That besides the

The Scheme  
to be managed  
by six Trustees.

Three to be  
a Quorum.

The Trustees  
to have two  
stated meetings  
in the year,

and to hold occasional meetings.

Names of the Trustees :

The order of their removal.

A Trustee to be elected annually to supply the place of the one removed.

the foresaid two stated meetings, they may hold such occasional meetings as circumstances require, which the last Præses, either of himself, or upon the application of any two of their number, shall have power to call. AND moreover, Nominating, Appointing and Confirming, as We Nominate, Appoint and Confirm, The following six Contributors to be the original Trustees, *viz.* Robert Walker, John Balfour, Alexander Wood, William Chalmers, Joseph Robertson and Thomas Hay, who shall continue to execute that trust till Lammas 1781 : AND Ordaining, as We Ordain, That the said Robert Walker shall go out of office at the said term of Lammas 1781 ; the said John Balfour at Lammas 1782 ; the said Alexander Wood at Lammas 1783 ; the said William Chalmers at Lammas 1784 ; the said Joseph Robertson at Lammas 1785 ; and the said Thomas Hay at Lammas 1786 : That one shall be elected at the said term of Lammas 1781, to supply the said



faid Robert Walker's place; and one at each of the foresaid succeeding terms of Lammas, to supply the then vacancy: That in all time hereafter, The eldest Trustee, that is, the first Trustee in the list shall go out of office at Lammas yearly, and another be elected in his room:

That notwithstanding of the above general rule, if a majority of the Contributors shall incline to continue any Trustee in the office, when it comes to his turn to be removed, they shall be at liberty so to do, which Trustee being then considered as the youngest, shall be placed last in the list, and continue in office during the same period, as if he had been then elected for the first time: That if a vacancy shall happen by the death or demission of any of the original or future Trustees, or in any other manner of way than as aforefaid; or, in case one who is elected shall decline to accept, another shall be elected in his place, it being always understood, and expressly provided, that

A majority of the Contributors may continue any Trustee in the office, when it comes to his turn to be removed.

that it shall not be competent to elect any person as Trustee but one of the Contributors ; and no election of a Trustee shall be made but at a general meeting of the Contributors, regularly warned by billets left at their respective houses, at least two days previous to the meeting. And Ordaining, as We Ordain, That if any Trustee shall be absent from a meeting to which he is regularly summoned, he shall forfeit and pay one shilling to the Collector, to be applied by him to the use of the scheme, unless he shall satisfy the Trustees at their next or some after meeting, that his absence was occasioned by indisposition. And Ordaining, Directing, and Appointing, as We Ordain, Direct, and Appoint, That the sums to be applied for raising the capital shall be lent out by the Trustees, from time to time, upon such real or personal securities as they shall judge sufficient and best for the interest of the fund, the bonds and other securities for the same to be taken

Penalty on Trustees not attending the stated Meetings.

The Trustees to lend out the money for raising the capital.

taken payable to the said Trustees, or any three of them, and to their successors in office ; and the said Trustees for the time, or any three of them, shall have power to uplift, assign, and discharge the said bonds or other securities, and to suit all manner of execution necessary for recovering payment thereof, or concerning the same any manner of way : But expressly providing, That no money shall be lent by the Trustees to any member or members of the Corporation, upon any account whatsoever. And Ordaining, Authorising, and Appointing, as We Ordain, Authorise, and Appoint, That the Trustees shall choose a Collector and clerk to the scheme, to continue in their office respectively during the pleasure of the Trustees ; both of which offices may be filled up by one person, if the Trustees shall think proper ; which Collector shall have power to carry on all suits for recovery of the annual-rates, and other sums payable for support of the fund, and all

And the securities to be taken in their names.

No money to be lent to any Member of the Corporation.

The Trustees authorised to chuse a Collector and Clerk.

Both offices may be filled by the same person.

D                      arrears



arrears that may be due by any Contributor at the time of his decease : And is to retain, at the sight and direction of the Trustees, from the widows annuity, or from the childrens provisions, such sums as shall be due by their respective husbands or fathers, or their heirs and executors, which have not been, or cannot be recovered from them, upon assigning to such widow or children respectively, such debt. And Providing and Ordaining, as We Provide and Ordain, That the Collector shall, on his admission to the office, grant bond, with a sufficient cautioner to the Trustees, to the extent of L. 100 Sterling, for the faithful discharge of his trust : And Ordaining and Appointing, as We Ordain and Appoint, That the Collector shall subscribe all the receipts for the annual-rates, and for the annual-sums paid by the Corporation ; and shall keep regular books, shewing the state of the funds under his management, in such manner as the Trustees shall

The Collector to retain from the Widows annuity or Childrens provisions, the arrears due by their respective husbands or fathers.

The Collector to find caution ;

and to subscribe the receipts for the annual payments.

The Collector to keep regular books.

shall appoint; and the clerk shall also keep a book for recording the federunts of the Trustees, which books are at all times to be open to the inspection of every Contributor: AND that the Collector shall exhibit to the Contributors at a general meeting, to be held on the second Monday of August yearly, a state of the funds under his management, and an account of the sums received by him for the preceding year, and the application of the same; which meeting shall have power to audite and pass the said accompts, and discharge him and his surety of the sums accompted for. In Testimony whereof, We have ordered Our Seal, appointed by the Treaty of Union to be kept in Scotland, in place of the Great Seal formerly used there, to be hereto appended. Given at Our Court of St James's, the 14th day of March 1778, In the Eighteenth Year of Our Reign.

The Clerk to keep a federunt book.

A State of the Funds to be laid annually before the Contributors at a General Meeting.

Which Meeting is empowered to audite the Collector's accompt and discharge him.